

THE ARIZONA SILVER BELT

OFFICIAL PAPER OF GILA CO.

PUBLISHED EVERY SATURDAY BY
A. H. HACKNEY and J. H. HAMILL,
Editors and Proprietors.

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THE IMMIGRATION ACT VOID.

The Supreme Court of Arizona, on the 17th inst., dismissed the appeal of T. C. Jordan in the action brought by him against Maricopa county for salary as Commissioner of Immigration, and in which case Judge Baker, in November last, rendered a decision against Jordan and declaring the act of the Eighteenth Legislature creating the Board of Immigration illegal and void. The result was long since foreseen and predicted by the SILVER BELT. In fact we, as one of the appointees of Governor Hughes under the act, refused to qualify as Commissioner, being convinced, after careful examination of the statute defining the powers and limitations of legislatures, that the act providing for the creation of the Territorial Board of Immigration was unconstitutional.

But the scope of Judge Baker's decision (now affirmed by the Supreme Court) is not generally understood. The principle underlying that decision has a wide application, and under the same construction of the statute has a nugatory effect upon several other laws enacted by the redoubtable Eighteenth Legislative Assembly—notably the acts authorizing tax levies to provide for the erection of the Normal School, the Reform School and for a dormitory at the Territorial University. The SILVER BELT was first to assert the illegality of the acts here mentioned, and our opinion is fully sustained by Judge Baker and the Supreme Court.

Judge Baker's decision is based upon an act of Congress—act of June, 1878, C. 168, 20 Stat. 101—incorporated in the Revised Statutes of Arizona, p. 36, denying to legislative assemblies the right to authorize towns, cities or other municipal corporations "to incur hereafter any debt or obligation, other than such as shall be necessary to the administration of its internal affairs." In the case of counties, says Judge Baker, these necessary debts and obligations "are ordinarily to provide a court house for the administration of justice, a jail for the confinement of prisoners, * * * offices for the various officials of the county; and, under certain circumstances, highways and bridges for the accommodation of the public." After stating the duties of the Board of Immigration Commissioners as defined in the act, the Judge says: "How can it be said that these duties are necessary to the administration of the 'internal affairs' of the county? * * * It is true that such duties, when performed, may incidentally benefit the county, and the same observation may be made concerning many quasi-public improvements, * * * but if the public funds exacted from the people for the support of local county government is to be diverted to such uses, then, it is clear that county government is no longer to be maintained."

Judge Baker was not necessarily confined to the section of the Revised Statutes quoted, upon which to base his opinion of the illegality of the act in question. He might with equal propriety and force have cited section 3 of the organic law, page 37 R. S. A., which prohibits the legislature passing any law authorizing any debt to be contracted, except to meet current obligations, to suppress insurrections or provide for the public defense, when the total indebtedness of the Territory is in excess of one per centum of the assessed value of taxable property in the Territory. As Arizona's indebtedness exceeds eight per cent of the value of all taxable property, it is very clear that the Eighteenth Legislature had no power to incur obligations for purposes other than such as shall be necessary to the administration of the internal affairs of the Territory and the several counties thereof.

The report of the grand jury of Gila county, at the October term, 1895, calls attention to the illegality of the acts of 1895 authorizing additional levies for the Normal School, Reform School and University, and presents an admirable argument in support of their position, quoting the organic law, which in the case of Gila county (her indebtedness exceeding the four per cent limit) gives additional grounds for opposing the aforementioned levies. Supported by the statutes and the de-

cision of Judge Baker and the Supreme Court, Gila county will refuse to make the levies mentioned for the current year.

ARIZONA MUST WAIT.

The announcement that Statehood will be denied Arizona by the present Congress will not be a great disappointment to the substantial citizens of Arizona. While the telegram attributes this decision of Speaker Reed and his supporters in Congress to their determination to prevent any increase of representation in Congress from sections favoring silver, it is evident that the admission of Arizona and New Mexico would not effect any decisive change in Congress on a silver question. There is now a safe majority in the Senate in favor of the free coinage of silver, while the House and the President are unalterably opposed to the remonetization of the white metal. Arizona can well wait for the palladium of sovereignty until her finances and population justify her assuming the greater responsibilities of Statehood.

NEWSPAPER LIBEL.

A suit for libel, in which the defendant was charged with having accused a police officer of levying political assessments, was tried in Harrisburg, Pa., last week. After hearing the testimony in the case, the Court instructed the jury to acquit. The Judge's charge is interesting and corrects erroneous opinions held by many persons, and even by court functionaries, of the liability and limitation of newspaper criticism.

The Pennsylvania Judge said: "A libel consists in publishing a false story which was inspired by malice. With regard to criticizing public servants, the matter is somewhat different. 'The public press shall be free to every person in referring to public officials and other public matters. Public officials can be more freely criticised than a private individual. When an article is published, although not true, if published for the benefit of the public good and without malice, the publisher is not responsible.'"

The Court said the newspaper article was a privileged one, because it was about a public officer, as are all similar articles in criticizing the acts of public officials. The only matter for the jury to determine was whether the publication was made in a malicious or negligent manner.

"It is the duty of a publisher," continued the Judge, "to note the doings of public officials. If he be told of a certain public matter by a reputable person, whom he considers in a position to know of what he speaks, he is justified in such publication."

The freedom of the press was asserted in the first amendment of the Constitution of the United States, and the same declaration is contained in the Constitution of each of the several States. Of course, there is a distinction between liberty and license, and it is an undeniable fact there are frequent abuses of the liberty granted.

Frederick Hudson, in his "Journalism of the United States," favors a national law of libel that will clearly define libel and benefit alike the press and the public. This, however, would require an amendment to the Constitution. It is admitted that some restraint should be placed upon the press, but there is greater danger of too much than too little restraint.

The acts of public officers are a proper subject of criticism, from which judges, when off the bench, are not exempt. Public officials are public servants, and, like Caesar's wife, should be above suspicion, and accusations lacking the essential of truth seldom do serious injury to cause or reputation, and a retraction, promptly made and given the same publicity as the imputation, should be a sufficient apology for the offense.

Proceedings of the Board of Supervisors.

GLOBE, Gila County, Arizona, January 6th, 1896.

Regular quarterly meeting of the Board of Supervisors of Gila county.

The Board met pursuant to the statute in that case made and provided.

Present—Supervisors Cook and Stewart, and H. M. Schlesinger, Deputy Clerk; absent—Supervisor Devore.

On motion, it is ordered that the meeting stand adjourned until Wednesday morning, January 8th, at 10 o'clock.

G. M. ALLISON, Clerk.

By H. M. SCHLESINGER, Deputy.

GLOBE, Gila Co., Arizona, January 8th, 1896.

The Board of met pursuant to adjournment.

Present—Supervisors Devore and Stewart, and H. M. Schlesinger, Deputy Clerk; absent—Supervisor Cook.

On motion, Supervisor Devore was elected Chairman pro tem.

The resignation of Edward H. Cook as chairman and member of the Board of Supervisors of Gila county, filed with the Clerk of the Board on this day, was read. It was thereupon

Resolved, That by the resignation of Edward H. Cook as chairman and member of the Board of Supervisors, the county of Gila loses an efficient officer and one who at all times had the interests of the county at heart; that the members of the board feel his resignation as a personal loss; that his coun-

sel have been of invaluable service to them, and they desire to place on record their appreciation of his never failing courtesy.

That it is with regret, ordered that the resignation of Edward H. Cook as chairman and member of the Board of Supervisors of Gila county be and the same is hereby accepted.

On motion, it is ordered that the clerk notify the members of the appointing board of the action of the Board upon the resignation of Supervisor Cook.

On motion, the Board adjourned to Thursday, January 9th at 9 o'clock a. m.

G. M. ALLISON, Clerk.

By H. M. SCHLESINGER, Deputy.

GLOBE, Gila County, Ariz., January 9th, 1896.

The Board met pursuant to adjournment.

Present—Supervisors, Devore, Stewart and Brookner, and H. M. Schlesinger, Deputy Clerk.

The Clerk read the minutes of the appointing board, making appointment of W. W. Brookner to fill the vacancy caused by the resignation of Supervisor E. H. Cook, filed with the Clerk, January 8th, 1896.

The election of chairman of the Board to fill the unexpired term caused by the resignation of chairman and member E. H. Cook, being first in order, the Clerk was ordered to prepare ballots for same. The election resulted as follows: W. W. Brookner, two votes; D. Devore, one vote.

Mr. Brookner having received a majority of votes, then assumed the chair.

The minutes of the Board of the 7th of October, 1895, up to and including the meeting of December 31st, read and approved.

The Board then proceeded to open bid, filed with the Clerk, submitted in accordance with advertisement authorized by an order made by the Board, December 16th, 1895.

On motion, and by unanimous vote, the bid of J. H. Pascoe, for board of prisoners at 25 cents per meal, was accepted, and his bond fixed at \$500.

On motion, and by unanimous vote, the bid of B. G. Fox, for care of indigent sick for the year 1896, was accepted, with bond as required by law.

On motion, and by unanimous vote, the bid of William Zimmerman, for the burial of paupers at \$30 per case, was accepted and his bond fixed at \$300.

On motion, and by unanimous vote, the bid of M. Borquez, Jr., for wood, being the lowest bid received, at the following prices, viz: Cedar or juniper wood at \$7 per cord, oak or other mixed wood at \$6.50 per cord, was accepted and his bond fixed at \$200.

On motion, and by unanimous vote, the bid of Hackney & Hamill, editors and proprietors of the ARIZONA SILVER BELT, for publishing the proceedings of the Board of Supervisors and for all publications as required by law, was accepted, and the bond fixed at \$500.

On motion, and by unanimous vote, the bid of M. Borquez, Jr., for carrying the insane to Phoenix at \$85 per case, free of any other expense to the county, was accepted, and his bond fixed at \$500.

On motion, and by unanimous vote, the bid of Hackney & Hamill, for printing and furnishing stationery, blanks and other job printing, was accepted, and their bond fixed at \$500.

The petition of A. H. Hackney and seventeen other citizens of Globe precinct, praying the appointment of Edwin Tewksbury as Constable for said precinct, was read. On motion, and by unanimous vote, Edwin Tewksbury was appointed Constable for said precinct, to qualify and act as such upon filing the bond required by law.

The petition of Louis Sultan and forty-five other citizens of the county, praying the appointment of a quarantine commissioner, was read. Whereas, the chairman had heretofore appointed T. Shields Collins, M. D., quarantine commissioner, and the Board now, by unanimous vote, ratifies the action of said chairman, and further orders and appoints that the said T. Shield Collins, M. D., be and hereby is appointed quarantine commissioner until the appointment be revoked, and that the said quarantine commissioner is hereby authorized to take such means and employ such aids as are necessary to prevent the spread of any contagious or infectious disease.

The petition of F. Hendershott and twenty-six other citizens of Northern Gila county, praying that the bounty on lions' scalps be raised to \$25, was read, and on motion, and by unanimous vote, it was ordered that the bounty on lion scalps be raised from \$10 to \$15 per scalp.

The petition of William Tuttle and seven other residents of San Carlos was presented by the Probate Judge, and read, praying the re-establishment of School District No. 17, with boundaries as formerly established; on motion, and by unanimous vote, ordered that School District No. 17 be re-established as prayed for in said petition.

The quarterly report of H. C. Hitchcock, County Treasurer, filed with the Clerk was read, and the same approved. The Board then made settlement with the County Treasurer, counted the balance on hand and found the same correct.

The following claims were then allowed and warrants drawn on the salary

fund in payment thereof:

J. H. Thompson, jailor's salary, \$300 00
J. H. Thompson, sheriff's salary 100 00
J. H. Thompson, sheriff's salary 100 00
H. C. Hitchcock, treasurer's salary..... 250 00
H. C. Hitchcock, tax collector..... 125 00
J. W. Wentworth, district attorney's salary..... 250 00
G. M. Allison, county recorder's salary..... 250 00
G. M. Allison, deputy county recorder's salary..... 150 00
Mills Van Wagener, probate judge's salary..... 75 00
O. N. Creswell, clerk district court..... 50 00
The following claims were then allowed and warrants drawn on the expense fund in payment thereof:
John M. Jones, justice of the peace, for \$141.15, allowed, \$138 70
B. G. Fox, M. D., meals at hospital..... 313 50
B. G. Fox, M. D., care of indigent sick..... 346 75
T. Shields Collins, quarantine commissioner..... 100 00
On motion, the Board adjourned to Friday, January 10th at 10 o'clock a. m.
G. M. ALLISON, Clerk.
By H. M. SCHLESINGER, Deputy.

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T. A. PASCOE : Proprietor.

Notice for Publication.

(Hd. E. No. 1030)

LAND OFFICE at PRESCOTT, ARIZ., December 24, 1895.

Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before Clerk of the District Court at Globe, Arizona, on February 15, 1896, viz: Charles E. Thomas, for the lots 1, 2, 3 and 4, Sec. 3, Tp. 5 N., R. 11 E. (Hd. E. No. 1030).

He names the following witnesses to prove his continuous residence upon, and cultivation of, said land, viz: David J. Peter, of Globe, Gila Co.; J. B. Armer, of Globe, Gila Co.; E. B. Ingalls, of Globe, Gila Co.; Tom Cline, of Globe, Gila Co.

H. D. ROSS, Register.

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